

Application No: 09/695,816

Filed: 10/24/2000

For: Hass Ibrink, Jr et al.

wherein said rotatable polymer disc has projections distributed around its circumference such that rotation of polymer disc delivers a fixed volume of fluid from the inlet channel to the outlet channel.

15. (amended) The [flowmeter] device of claim 14, further including means for detecting the rotation of said polymer disc.

REMARKS

Insofar as the division of Groups I and II and IV, restriction is based upon the assertion that the product comprising Groups II and IV can be made by another and materially different process. Claim 1 claims a device for controlling fluid flow comprising, in part, a mobile monolithic polymer disposed in a microchannel. While processes such as etching and molding can be used to make polymer products, the claimed invention requires that they are disposed in a microchannel. There is no showing how molded or etched polymer materials could be disposed in the microchannel. Moreover, the claimed polymer monolith is required to be mobile, which means, as described at p. 12, 14-25 and p. 13, 1-10, that the polymer monolith not bond to the microchannel walls. There is no showing how molded or etched polymer material could be prepared to meet the requirement of mobility in a microchannel. Therefore, as Applicants have shown above there is no evidence of record to substantiate separate classification and urge that the restriction between Groups I and II and IV is misapplied and request withdrawal.

04/01/2002 10:52 FAX

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Claims 10, 23 and 24 are linking claims linking claims linking process for making and product made and thus, as provided by MPEP 809 the linking claims must be examined with the invention elected and should any linking claim be allowed the restriction requirement must be withdrawn.

There is no evidence of record as to why claims 5-11 and 22-24 have been grouped into Group II and claims 18-20 into Group IV. Since both groups are classified in Class 525, subclass 50, no separate search, which would present an undue burden on the Examiner, is required. Further, no reason has been provided that the claims constituting these groups have separate status in the art or that a different field of search is needed. Therefore, Applicants traverse the restriction and urge that Groups II and IV be combined into one group.

Claims 14 and 15 that comprise Group III have been amended to more correctly recite a further embodiment of the claimed invention. By this amendment, claims 14 and 15 are now part of Group I. Therefore, Applicants respectfully request reconsideration and inclusion of claims 14 and 15 into Group I.